UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTUITIVE SURGICAL, INC.,
Petitioner,

v.

ETHICON LLC,
Patent Owner

IPR2018-01248
U.S. Patent No. 8,479,969

DECLARATION OF DR. SHORYA AWTAR

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I. INTRODUCTION

1. My name is Dr. Shorya Awtar. I have been retained by counsel for Patent Owner Ethicon LLC ("Ethicon") in the above captioned *inter partes* review to consult with counsel, review documents, form opinions, prepare expert declarations, and be available to testify as to my opinions.

2. I understand that Petitioner Intuitive Surgical, Inc. ("Intuitive") has asserted that claims 24-26 of U.S. Patent No. 8,479,969 (the "969 Patent") are invalid as obvious. I have been asked to give expert opinions and testimony related to the issue of the validity of claims 24-26 of the 969 Patent,[1] including the background of the technology at issue, and the scope and content of the prior art.

3. My opinions are based on reviewing the Petition, Dr. Knodel's declaration (Ex. 1003), the Patent Owner Response, the transcripts of Dr. Knodel's depositions, and the relevant portions of all exhibits cited in any of the foregoing documents and this declaration.

4. The opinions I have formed as explained herein are informed by and based on my consideration of the documents listed above, as well as my own knowledge and experience based upon my work in the relevant field of technology,

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[1] I understand that challenged claim 23, which relates to Petitioner's Grounds 1-3, has been disclaimed. *See* Ex. 2002.

as discussed below. All statements made herein of my own knowledge are true, and all statements made herein based on information and belief are believed to be true. Although I am being compensated for my time in preparing this declaration, the opinions articulated herein are my own, and I have no stake in the outcome of this proceeding or any related litigation or administrative proceedings. My study is ongoing, and I may supplement or amend these opinions based on the production of additional evidence, as a result of further analysis, or in rebuttal to positions subsequently taken by Intuitive and/or Dr. Knodel.

II. PRIORITY DATE AND LEVEL OF ORDINARY SKILL IN THE ART

5. I have been asked to assume that the priority date of the claims of the 969 Patent is May 27, 2011. I understand that Intuitive's expert, Dr. Knodel, has also utilized a priority date of May 27, 2011 in his analysis. *See* Ex. 1003 at ¶¶ 29-31. I reserve the right to address the priority date of the claims of the 969 Patent should Intuitive subsequently contest this issue.

6. I understand that Dr. Knodel has opined that a person of ordinary skill in the art for the 969 Patent would include someone who had the equivalent of a Bachelor's degree or higher in mechanical engineering with at least 3 years working experience in the design of comparable surgical devices. Ex. 1003 at ¶¶ 25-26. While I generally agree with the level of education and type of work experience proposed by Dr. Knodel, I note that a person of ordinary skill in the art

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